

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources
DATE	5 July 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Development Plan Scheme and Draft Participation Statement
REPORT NUMBER	COM/23/193
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	John Todd
TERMS OF REFERENCE	3.3

1. PURPOSE OF REPORT

- 1.1 This report presents the first Development Plan Scheme for the fourth Aberdeen Local Development Plan, and a Draft Participation Statement. The report seeks approval of the Development Plan Scheme and approval to undertake public consultation on the Draft Participation Statement, with the results of the consultation and any revisions reported back to Committee prior to formal adoption of the Development Plan Scheme.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Approve the content of the Development Plan Scheme and Draft Participation Statement (Appendix 1) and instruct the Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish the Development Plan Scheme and Draft Participation Statement for an eight-week period of public consultation, seeking comment only upon the Draft Participation Statement; and
- 2.2 Instruct the Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the Draft Participation Statement to this Committee on 22 November 2023.

3. CURRENT SITUATION

- 3.1 A Development Plan Scheme is a document setting out the authority's programme for preparing and reviewing their local development plans. Within the development plan scheme a participation statement is required which the Town and Country Planning (Scotland) Act 1997 sets out as *an account 'of when consultation is likely to take place and with whom and of its likely form and of the steps to be taken to involve the public at large in the stages of preparation or review.'*

- 3.2 The Planning Service is required to prepare a Development Plan Scheme (DPS) every year. The Development Plan Scheme attached as Appendix 1 is the first DPS for the next Aberdeen Local Development Plan (anticipated for adoption in 2028). It gives a background to the recent changes to the planning system arising from the Planning (Scotland) Act 2019, such as National Planning Framework 4 and the Local Development Plan now constituting the core documents which are material to decision making, with Scottish Planning Policy and the Strategic Development Plans no longer applicable.
- 3.3 The Development Plan Scheme sets out and explains each stage of preparing the new Local Development Plan, beginning in Summer 2023 and ending in Spring 2028. The first stage concerns production of an Evidence Report and the Development Plan Scheme outlines in greater detail how the Planning Service will organise and consult upon the Evidence Report in the coming year.
- 3.4 The Draft Participation Statement is located at the end of the Development Plan Scheme. It sets out the main bodies and groups who will be engaged during the preparation of the new Local Development Plan. The proposed manner in which stakeholders and the public will be notified of consultation is also set out. Finally, each stage of the new plan process is included, with an explanation as to the purpose and method of consultation proposed.
- 3.5 The Planning (Scotland) Act 2019 requires that '*In preparing the development plan scheme the planning authority are to seek the views of, and have regard to any views expressed by the public at large as to the content of the participation statement.*'
- 3.6 Subject to Committee approval, an eight-week period of public consultation on the Draft Participation Statement will commence in July 2023. A six-week period for consultation was considered in line with the approach taken by other authorities however it was deemed appropriate to extend this in order to compensate for the consultation coinciding with the school holiday period.
- 3.7 The consultation will be publicised through the Local Development Plan newsletter and the Council's website and social media platforms. Key groups and stakeholders such as Community Councils would also be notified of the consultation via email. Interested parties will be encouraged to submit comments via the Council's online consultation hub (Citizen Space). All comments will be reviewed by Officers and taken into account to help formulate a final version of the Participation Statement.
- 3.8 Subject to approval, Recommendation 2.2 of this report recommends that any consultation comments and proposed amendments be reported back to Members for review..

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of preparing and consulting on the Development Plan Scheme and Draft Participation Statement can be met through existing budgets.

5. LEGAL IMPLICATIONS

5.1 The Town and Country Planning (Scotland) Act 1997 requires that a Development Plan Scheme is to be prepared by each planning authority within 1 year after last preparing such a scheme. The last Development Plan Scheme was published approximately a year ago. To comply with the Town and Country Planning (Scotland) Act 1997 and the Planning (Scotland) Act 2019 it is therefore necessary to seek the views of, and have regard to any views expressed by the public at large as to the content of the Participation Statement when preparing the Development Plan Scheme.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no significant environmental implications with regards to the Development Plan Scheme and Draft Participation Statement.

6.2 The Local Development Plan itself will be subject to Strategic Environmental Assessment.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	If the Development Plan Scheme and Participation Statement aren't timeously adopted then a new a new plan process will begin without the publication of a document that sets out the processes and methods of engagement. This directly conflicts with the Local Outcome Improvement Plan - Stretch Outcome 5 which seeks to ensure that children and young people feel listened to in terms of the consultation process in the preparation of a	Adopt the Development Plan Scheme and agree to the Draft Participation Statement being put forward for an 8 – week public consultation period in order for the Council to comply with legislation prior to a new plan process beginning.	L	Yes

	new Local Development Plan.			
Compliance	Ensuring that the Development Plan Scheme and Participation Statement can be adopted at the earliest opportunity in order to comply with the Planning (Scotland) Act 2019.	Agree to the Draft Participation Statement being put forward for the 8 – week public consultation period in order for the Council to comply with legislation in a timeous manner.	L	Yes
Operational	Ensuring that the Development Plan Scheme and Participation Statement can be timeously published in order to support the new plan process.	Agree to the Draft Participation Statement being put forward for an 8 – week public consultation period in order for the Council to comply with legislation in a timeous manner which allows for the smooth and transparent operation of the new local development plan process.	L	Yes
Financial	It is important that the planning authority complies with legislation and publishes a Development Plan Scheme and Participation Statement in a timeous manner prior	Agree to the Draft Participation Statement being put forward for an 8 – week public consultation period in order for the Council	L	Yes

	to the beginning of the new plan process otherwise it leaves the Council open to complaint and possible legal challenge in the future with respect to whether proposed consultation has been sufficiently set out in advance.	to comply with legislation in a timeous manner which allows for the smooth and transparent operation of the new local development plan process.		
Reputational	The planning authority has consistently published a Development Plan Scheme each year to allow for clarity and transparency of the development plan process. Failure to continue this could damage the Council's reputation as a planning authority.	Agree to the Draft Participation Statement being put forward for an 8 – week public consultation period in order for the Council to comply with legislation in a timeous manner which allows for the smooth and transparent operation of the new local development plan process.	L	Yes
Environment / Climate	Ensuring that the Development Plan Scheme and Participation Statement are in place as they include provision for consultation with bodies, groups and individuals who wish to protect the natural environment and reduce carbon emissions.	Agree to the Draft Participation Statement being put forward for an 8 – week public consultation period in order for the Council to comply with legislation in a timeous manner which allows for the smooth and transparent operation of the new local	L	Yes

		development plan process.		
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8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:-</p> <ul style="list-style-type: none"> • Empowering Aberdeen’s Communities – the Development Plan Scheme including the Draft Participation Statement sets out the Council’s commitment to working with communities and other entities in the preparation of a new local development plan. This includes collaboration with Community Councils with regards Local Place Plans which may include aspirations of community wealth building and other community assets. • A Transparent, Accessible and Accountable Council - the Development Plan Scheme sets out in Plain English how we will work with communities to develop the next Local Development Plan.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous People Stretch Outcomes	The proposals within this report support the delivery of LOIP Stretch Outcome 5 by ensuring that children and young people feel listened to in terms of the consultation process in the preparation of a new Local Development Plan.
Regional and City Strategies <u>City Strategies and Strategic Plans</u> Local Development Plan	The proposal within this report supports the production of a future Aberdeen Local Development Plan which will eventually replace the Aberdeen Local Development Plan 2023.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	An Integrated Impact Assessment was undertaken and no negative impacts have been identified.

Data Protection Impact Assessment	Not required.
Other	N/A

10. BACKGROUND PAPERS

10.1 None.

11. APPENDICES

Appendix 1 – Development Plan Scheme and Draft Participation Statement

12. REPORT AUTHOR CONTACT DETAILS

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